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	Application No.	**Applicant(s)**
Notice of Allowability	10/690,488	CLARK ET AL.
	Examiner	**Art Unit**	
	Joe H. Cheng	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the Amendment filed 8/3/05*.

2. ☒ The allowed claim(s) is/are *41-112*.

3. ☒ The drawings filed on *20 October 2003* are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some*   c)☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the .

           International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a)☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1)☐ hereto or 2)☐ to Paper No./Mail Date _____ .

    (b)☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

        Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date *1/12/05 & 2/25/05*

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

REASONS FOR ALLOWANCE

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office

action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since

this application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been

reopened pursuant to 37 CFR 1.114. Application's submission filed on January 12, 2005

has been entered.

2.   The following is an examiner's statement of reasons for allowance:

None of the prior art of record shows the combination of the structure of the

claimed system for electronically providing performance feedback based upon a

comparison of an evaluator's performance in evaluating data items to predetermined

performance criteria comprising the receiving subsystem configured to electronically

receive information over a distributed computer network related to a first performance

level of a first evaluator's evaluation of data items and a predetermined performance

level, the comparison subsystem configured to electronically compare the first

performance level and the predetermined performance level, and the discrepancy

subsystem configured to electronically report a discrepancy based on predefined criteria

between the first performance level and the predetermined performance level (as per

claims 41-43); or the combination of the structure of the claimed system for

electronically providing performance feedback based upon a comparison of an

evaluator's performance in evaluating data items to predetermined performance criteria comprising the receiving subsystem configured to electronically receive information over a distributed computer network related to a first validity level of a first evaluator's evaluation of data items and a predetermined validity level, the comparison subsystem configured to electronically compare the first validity level and the predetermined validity level, and the discrepancy subsystem configured to electronically report a discrepancy based on predefined criteria between the first validity level and the predetermined validity level (as per claims 44-47); or the combination of the structure of the claimed system for electronically providing performance feedback based upon a comparison of an evaluator's performance in evaluating data items to predetermined performance criteria comprising the receiving subsystem configured to electronically receive information over a distributed computer network related to a first reliability level of a first evaluator's evaluation of data items and a predetermined reliability level, the comparison subsystem configured to electronically compare the first reliability level and the predetermined reliability level, and the discrepancy subsystem configured to electronically report over a distributed computer network a discrepancy based on predefined criteria between the first reliability level and the predetermined reliability level (as per claims 48-51); or the combination of the structure of the claimed system for electronically providing performance feedback based upon a comparison of an evaluator's performance in evaluating data items to predetermined performance criteria comprising the receiving subsystem configured to electronically receive information over a distributed computer network related to a first speed level of a first evaluator's evaluation of data items and a predetermined speed level, the comparison subsystem

configured to electronically compare the first speed level and the predetermined speed

level, and the discrepancy subsystem configured to electronically report a discrepancy

over a distributed computer network based on predefined criteria between the first speed

level and the predetermined speed level (as per claims 52-55); or the combination of the

structure of the claimed system for increasing efficiency by monitoring evaluator

performance in evaluating data items and recommending break times to the evaluators

comprising the receiving subsystem configured to electronically receive first performance

levels over a distributed computer network corresponding to an evaluator's evaluating of

data items at predetermined past intervals in time and electronically receiving over a

distributed computer network a second predetermined performance level, the comparison

subsystem configured to electronically compare the second predetermined performance

level and the first performance level, and the discrepancy subsystem configured to

electronically detect a discrepancy based on predefined criteria between the second

predetermined performance level and the first performance level and signaling the

evaluator to halt data item evaluating for a break time (as per claims 56-61); or the

combination of the structure of the claimed system for increasing resolver efficiency by

monitoring evaluator performance in evaluating data items and recommending break

times to the evaluator comprising the receiving subsystem configured to electronically

receive first evaluation rates corresponding to an evaluator's evaluating of data items at

predetermined past intervals in time and electronically receive a second present

evaluation rate corresponding to the evaluator's evaluating of data items at a present time,

the comparison subsystem configured to electronically compare the second evaluation

rate and the first evaluation rate, and the discrepancy subsystem configured to

electronically detect a discrepancy based on predefined criteria between the second

evaluation rate and the first evaluation rate as indicated by the comparison subsystem and

signal over the distributed computer network the evaluator to halt data item evaluation for

a break time (as per claims 62-64); or the combination of the structure of the claimed

computer-readable program storage medium tangibly embodying a data package and

associated verification instructions executable by a computing system for electronically

providing performance feedback based upon a comparison of an evaluator's performance

in evaluating data items to predetermined performance criteria comprising the steps of

electronically receiving information related to a first performance level of a first

evaluator's evaluation of data items and a predetermined performance level,

electronically comparing the first performance level and the predetermined performance

level, and electronically reporting a discrepancy based on predefined criteria between the

first performance level and the predetermined performance level (as per claims 65-67); or

the combination of the structure of the claimed computer-readable program storage

medium tangibly embodying a data package and associated verification instructions

executable by a computing system for electronically providing performance feedback

based upon a comparison of an evaluator's performance in scoring data items to

predetermined performance criteria comprising the steps of electronically receiving

information related to a first validity level of a first evaluator's evaluation of data items

and a predetermined validity level, electronically comparing the first validity level and

the predetermined validity level, and electronically reporting a discrepancy based on

predefined criteria between the first validity level and the predetermined validity level (as

per claims 68-71); or the combination of the structure of the claimed computer-readable

program storage medium tangibly embodying a data package and associated verification

instructions executable by a computing system for electronically providing performance

feedback based upon a comparison of an evaluator's performance in evaluating data

items to predetermined performance criteria comprising the steps of electronically

receiving information related to a first reliability level of a first evaluator's evaluation of

data items and a predetermined reliability level, electronically comparing the first

reliability level and the predetermined reliability level, and electronically reporting a

discrepancy based on predefined criteria between the first reliability level and the

predetermined reliability level (as per claims 72-75); or the combination of the structure

of the claimed computer-readable program storage medium tangibly embodying a data

package and associated verification instructions executable by a computing system for

electronically providing performance feedback based upon a comparison of an

evaluator's performance in evaluating data items to predetermined performance criteria

comprising the steps of electronically receiving information related to a first speed level

of a first evaluator's evaluation of data items and a predetermined speed level,

electronically comparing the first speed level and the predetermined speed level, and

electronically reporting a discrepancy based on predefined criteria between the first speed

level and the predetermined speed level (as per claims 76-79); or the combination of the

structure of the claimed computer-readable program storage medium tangibly embodying

a data package and associated verification instructions executable by a computing system

for increasing evaluator efficiency by monitoring evaluator performance in evaluating

data items and recommending break times to the evaluator comprising the steps of

electronically receiving first performance levels corresponding to an evaluator's

evaluation of data items at predetermined past intervals in time and electronically

receiving a second predetermined performance level, electronically comparing the second

predetermined performance level and the first performance level, and electronically

detecting a discrepancy based on predefined criteria between the second predetermined

performance level and the first performance level and signaling the evaluator to halt data

item evaluation for a break time (as per claims 80-85); or the combination of the structure

of the claimed computer-readable program storage medium tangibly embodying a data

package and associated verification instructions executable by a computing system for

increasing evaluator efficiency by monitoring evaluator performance in evaluating data

items and recommending break times to the evaluators comprising the steps of

electronically receiving the first evaluation rate corresponding to an evaluator's

evaluating of data items at predetermined past intervals in time and electronically

receiving a second present evaluation rate corresponding to the evaluator's scoring of

data items at a present time, electronically comparing the second evaluation rate and the

first evaluation rate, and electronically detecting a discrepancy based on predefined

criteria between the second evaluation rate and the first evaluation rate as indicated by the

comparison step and signaling the evaluator to halt data item evaluation for a break time

(as per claims 86-88); or the combination of the structure of the claimed method for

electronically providing performance feedback based upon a comparison of an

evaluator's performance in evaluating data items to predetermined performance criteria

comprising the steps of electronically receiving information related to a first performance

level of a first evaluator's evaluation of data items and a predetermined performance

level, electronically comparing the first performance level and the predetermined

performance level, and electronically reporting a discrepancy based on predefined criteria between the first performance level and the predetermined performance level (as per claims 89-91); or the combination of the structure of the claimed method for electronically providing performance feedback based upon a comparison of an evaluator's performance in scoring data items to predetermined performance criteria comprising the steps of electronically receiving information related to a first validity level of a first evaluator's evaluation of data items and a predetermined validity level, electronically comparing the first validity level and the predetermined validity level, and electronically reporting a discrepancy based on predefined criteria between the first validity level and the predetermined validity level (as per claims 92-95); or the combination of the structure of the claimed method for electronically providing performance feedback based upon a comparison of an evaluator's performance in evaluating data items to predetermined performance criteria comprising the steps of electronically receiving information related to a first reliability level of a first evaluator's evaluation of data items and a predetermined reliability level, electronically comparing the first reliability level and the predetermined reliability level, and electronically reporting a discrepancy based on predefined criteria between the first reliability level and the predetermined reliability level (as per claims 96-99); or the combination of the structure of the claimed method for electronically providing performance feedback based upon a comparison of an evaluator's performance in evaluating data items to predetermined performance criteria comprising the steps of electronically receiving information related to a first speed level of a first evaluator's evaluation of data items and a predetermined speed level, electronically comparing the first speed level and the

predetermined speed level, and electronically reporting a discrepancy based on

predefined criteria between the first speed level and the predetermined speed level (as per

claims 100-103); or the combination of the structure of the claimed method for increasing

evaluator efficiency by monitoring evaluator performance in evaluating data items and

recommending break times to the evaluators comprising the steps of electronically

receiving first performance levels corresponding to an evaluator's evaluation of data

items at predetermined past intervals in time and electronically receiving a second

predetermined performance level, electronically comparing the second predetermined

performance level and the first performance level, and electronically detecting a

discrepancy based on predefined criteria between the second predetermined performance

level and the first performance level and signaling the evaluator to halt data item

evaluation for a break time (as per claims 104-109); or the combination of the structure of

the claimed method for increasing evaluator efficiency by monitoring evaluator

performance in evaluating data items and recommending break times to the evaluators

comprising the steps of electronically receiving the first evaluation rate corresponding to

an evaluator's evaluating of data items at predetermined past intervals in time and

electronically receiving a second present evaluation rate corresponding to the evaluator's

scoring of data items at a present time, electronically comparing the second evaluation

rate and the first evaluation rate, and electronically detecting a discrepancy based on

predefined criteria between the second evaluation rate and the first evaluation rate as

indicated by the comparison step and signaling the evaluator to halt data item evaluation
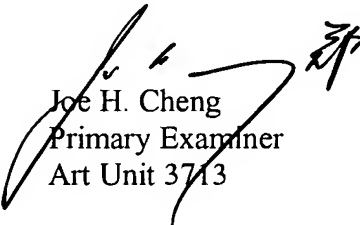
for a break time (as per claims 110-112).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe H. Cheng whose telephone number is (571)272-4433. The examiner can normally be reached on Tue. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joe H. Cheng
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Joe H. Cheng
March 31, 2005